

REMARKS

Restriction Requirement under 35 U.S.C. § 121

An election requirement was made to pending claims 1-20. The claims were placed into four groups:

Group I (claims 1-8) drawn to an isolated polynucleotide;

Group II (claims 9 and 10) drawn to a process for producing a polypeptide comprising expressing a polypeptide from a transformed host;

Group III (claim 11 and 12) drawn to a polypeptide;

Group IV (claim 13) drawn to an antibody;

Group V (claims 14) drawn to an antagonist which inhibits the activity or expression of a polypeptide;

Group VI (claims 15, 19 and 20) drawn to a method for the treatment of an individual in need of metS polypeptide, or a method for inducing immunologically response in a mammal comprising administering the polypeptide of SEQ ID NO:2 or 4;

Group VII (claims 16) drawn to a method for the treatment of an individual having need to inhibit metS polypeptide comprising administering an antagonist;

Group VIII (claims 17) drawn to a method of diagnosing a disease related to expression or activity of the polypeptide of SEQ ID NO:s 2 or 4, comprising determining a nucleic acid sequence encoding said polypeptide and/or analyzing for the presence or amount of said polypeptide; and

Group IX (claims 18) drawn to a method of identifying compounds which interact with and inhibit or activate an activity of a polypeptide.

Applicant hereby elects to prosecute the claims of Group V (claim 14) without traverse. Non-elected claims have been cancelled. Claim 14 has been amended to correct dependency. New claims 21-26 have been added.

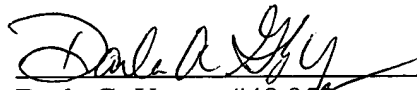
Closing Remarks

If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

Date: October 7, 2004



Darla G. Yoerg, #48,053
Swanson & Bratschun, L.L.C.
1745 Shea Center Drive, Suite 330
Highlands Ranch, Colorado 80129
Telephone: (303) 268-0066
Facsimile: (303) 268-0065

S:\CLIENTFOLDERS\REPLIDYNE\MRS11USD3\ELECTION.DOC